



Service of Process Transmittal Summary

TO: Ca Legalit
Bank of America
31303 AGOURA ROAD, CA6-917-02-18
WESTLAKE VILLAGE, CA 91361-4635

RE: Process Served in North Carolina

FOR: Bank of America, National Association (Domestic State: N/A)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: VANESSA BISSERETH vs. BANK OF AMERICA, N.A.
Name discrepancy noted.

DOCUMENT(S) SERVED: Citation, Original Petition

COURT/AGENCY: Travis County Justice of Peace, Precinct 5, TX
Case # J5CV24274397

NATURE OF ACTION: Violations of the Fair Debt Collection Practices Act and the Texas Debt Collection Act

PROCESS SERVED ON: C T Corporation System, Raleigh, NC

DATE/METHOD OF SERVICE: By Traceable Mail on 12/27/2024 postmarked on 12/19/2024

JURISDICTION SERVED: North Carolina

APPEARANCE OR ANSWER DUE: By the end of the 14th day after the day of service (Document(s) may contain additional answer dates)

ATTORNEY(S)/SENDER(S): Robert Zimmer
Zimmer & Associates, A Law Firm
1108 Lavaca Street, Suite 110-187
Austin, TX 78701
512-434-0306

ACTION ITEMS: CT has retained the current log, Retain Date: 12/27/2024, Expected Purge Date: 01/01/2025
Image SOP
Email Notification, Ca Legalit calegalit@bofa.com

REGISTERED AGENT CONTACT: C T Corporation System
160 Mine Lake CT, Suite 200
Raleigh, NC 27615
8775647529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the





CT Corporation
Service of Process Notification

12/27/2024

CT Log Number 548070365

included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



Case 1:25-cv-00097-ADA

Document 1-6

Filed 01/21/25

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CERTIFIED MAIL®

CARLOS B. LOPEZ

TRAVIS COUNTY CONSTABLE, PRECINCT FIVE

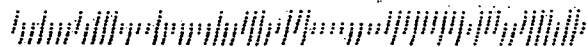
1003 GUADALUPE ST.
AUSTIN, TEXAS 78701

RETURN SERVICE REQUESTED



J5CV24274397-2
BANK OF AMERICA N.A
CT CORPORATION SYSTEM
180 MINE LAKE CT STE 200
RALEIGH NC 27615

2761538417 0001



JUSTICE CIVIL CITATION

THE STATE OF TEXAS

TO: **BANK OF AMERICA, N.A.**
ATTN CT CORPORATION SYSTEM
160 MINE LAKE CT STE 200
RALEIGH NC 27615

YOU HAVE BEEN SUED. You may employ an attorney to help you in defending against this lawsuit, but you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation.

YOUR WRITTEN RESPONSE to this lawsuit shall be filed in Justice of the Peace, Precinct Five, at 1000 Guadalupe Street Room 117, Austin, Texas 78701. E-mail JP5civil@traviscountytexas.gov. Phone # (512) 854-9050. A copy of your written response or any other document you file with the court must be served on all other parties. Proof of service must be evidenced by a certificate of service attached to the document filed with the Court. Please consult Texas Rules of Civil Procedure, Rule 501.4 for additional information.

THE LAW PROHIBITS THE JUDGE & THE CLERKS FROM GIVING LEGAL ADVICE, SO PLEASE DO NOT SEEK SUCH ADVICE FROM THIS OFFICE. ANY QUESTIONS YOU HAVE SHOULD BE DIRECTED TO AN ATTORNEY.

Your cause number is **J5-CV-24-274397**, case styled

VANESSA BISSETH, Plaintiff/s vs.

JAVITCH BLOCK, LLC; BANK OF AMERICA, N.A., Defendant/s

was filed in the Justice Court, Precinct Five, on November 20, 2024.

Issued and given under my hand on December 17, 2024.



Judge Rick "Rico" Olivo
Justice of the Peace, Pct. 5
1000 Guadalupe Street #117
Austin, Texas 78701

Plaintiff / Plaintiff Attorney / Plaintiff Agent (if applicable):

ROBERT ZIMMER
1108 LAVACA STREET SUITE 110-187
AUSTIN TX 78701

<<<<<SEE PETITION FOR TELEPHONE NUMBER>>>>>

MAILED THIS

CONSTABLE, PC

BY:

DEC 18 2024

DEPUTY

-----OFFICER'S RETURN-----

Came to the hand on the _____ day of _____, 20____ at _____ o'clock _____. M.
Executed at _____ within County of _____ at _____ o'clock _____. M. on the
_____ day of _____, 20____, by delivering to the within named _____

a true copy of this citation together with the accompanying copy of the petition having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

To certify which witness my hand officially:

SERVICE FEE \$ _____ of _____ County, Texas

By Deputy _____

STATEMENT OF INABILITY TO AFFORD PAYMENT OF COURT COSTS

J5-CV-24-274397
NO. _____

VANESSA BISSERETH, <i>Plaintiff</i>	§	IN THE JUSTICE COURT
	§	
	§	
	§	
VS.	§	PRECINCT NO. 5
	§	
BANK OF AMERICA, N.A., and JAVITCH BLOCK, LLC, <i>Defendants,</i>	§	
	§	TRAVIS COUNTY, TEXAS
	§	

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff VANESSA BISSERETH ("Bissereth"), and files this, her Original Petition, complaining of DEFENDANTS Bank of America, N.A. ("BofA"), and Javitch Block, LLC ("Javitch Block"), and for causes of action would respectfully show this Honorable Court the following:

PARTIES

Plaintiff Vanessa Bissereth is a resident of Travis County, Texas.

Defendant Bank of America N.A. is a financial institution domiciled in North Carolina, which does or transacts business in Texas.

Defendant Bank of America N.A., maybe be served with process via its Registered Agent, CT CORPORATION SYSTEM, at 160 MINE LAKE CT., STE. 200, RALEIGH, NORTH CAROLINA, 27615.

Defendant Javitch Block, LLC is a limited liability corporations domiciled in Ohio, which does or transacts business in Texas.

Defendant Javitch Block, LLC may be served with process through its Registered Agent, REGISTERED AGENT SOLUTIONS, CORPORATE CENTER ONE, 5301 SOUTHWEST PARKWAY, STE. 400, AUSTIN, TX 78735.

VENUE AND JURISDICTION

1. Venue is proper in this Court because Travis County, Texas is where events giving rise to Bissereth's claims occurred (see Tex. Civ. Prac. & Rem. Code §§ 15.002(a).
2. The amount in controversy is within the jurisdictional limits of this Court, i.e., \$20,000.00.

FACTUAL ALLEGATIONS

3. At all times relevant to this claim, Bissereth was a "consumer" as that term is defined in the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692a(3), and the Texas Debt Collection Act ("TDCA"), Tex Fin. Code § 392.001(1).
4. At all times relevant to this claim, Javitch Block was both a "debt collector" and a "third-party debt collector" as those terms are defined in the TDCA § 392.001(6) and (7) respectively, and a "debt collector" as that term is defined in the FDCPA § 1692a(6).
5. At all times relevant to this claim, BofA Javitch was a "debt collector" as that term is defined in the TDCA § 392.001(6).
6. The FDCPA and TDCA claims in this lawsuit arose from BofA's and Javitch Block's illegal attempts to collect a consumer debt from Bissereth (Javitch Block File No. 2141980) (the "alleged debt").
7. Bissereth did not incur the alleged debt; she was a victim of identity theft.

8. On June 23rd, 2021, Bissereth filed a police report with the Austin Police Department regarding the identity theft (the “police report”).
9. On or about July 2021, Bissereth notified the credit bureaus that she had been a victim of identity theft, and concurrently she disputed the alleged debt with all three credit bureaus.
10. Nonetheless, Defendants sued Bissereth on August 2, 2024 to recover the alleged debt from her (*Bank of America, N.A. v. Vanessa Bissereth* - J1-CV-24-004065 in Travis County, Texas, JP #1 (“the debt claim case”).
11. In Defendants’ pleadings in the debt claim case, Defendants falsely stated that Bissereth owes the alleged debt, when she does not.
12. On or about August 2024, and again in October 2024, Bissereth disputed the alleged debt with Defendants and furnished them with proof of identity theft.
13. However, despite knowing for months that the alleged debt was not valid, Defendants have refused to dismiss the debt claim case against her.
14. Despite knowing that Bissereth did not owe the alleged debt, BofA has been falsely communicating to the credit bureaus that Bissereth owes the debt and that it is valid.
15. Due to BofA’s false credit reporting and false statements regarding the alleged debt, the cost of obtaining credit increased for Bissereth.

CAUSES OF ACTION

COUNT I

**VIOLATION OF THE TEXAS DEBT COLLECTION ACT (“TDCA”),
TEX. FIN. CODE §392 et seq.**

16. Bissereth incorporates the preceding paragraphs as if set forth at length.

17. Despite being aware Bissereth was a victim of ID theft, BofA violated the TDCA §392.301(a)(3) by falsely communicating to the credit bureaus that Bissereth owed an undisputed debt.
18. Javitch Block and BofA violated the TDCA § 392.202 by failing to legitimately investigate the validity of the alleged debt upon receipt of Bissereth's claim.
19. Instead, Javitch Block and BofA both simply mailed Bissereth a computer-generated form letter containing conclusory statements claiming the debt is valid, without actually investigating Bissereth's dispute.
20. Javitch Block violated the TDCA § 392.304(a)(18) by sending Bissereth debt collection letters, and filing pleadings in the debt claim case, which falsely represent that Bissereth owes the alleged debt.
21. As a result of BofA's and Javitch Block's violations of the TDCA § 392.202 and § 392.301(a)(3), Bissereth is entitled to an order directing Defendants to permanently cease collection on the alleged debt, pursuant to TDCA §392.403(a)(1); statutory damages of no less than \$100.00, pursuant to the TDCA §392.403(e); actual damages; and attorney fees pursuant to TDCA § 392.403(c).

COUNT II

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT, 15. U.S.C. § 1692 et seq.

22. Bissereth incorporates the preceding paragraphs as if set forth at length.

23. Despite being aware Bissereth was a victim of ID theft, Javitch Block violated the FDCPA § 1692e(10) falsely stating, in both letters and court pleadings, that Bissereth owes the alleged debt when she does not.

24. As a result of Javitch Block's violations of the FDCPA, Bissereth is entitled to statutory damages of \$1,000.00; actual damages according to proof; and an award of attorney fees and costs, per FDCPA § 1692k(a).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Vanessa Bissereth prays that this Court award judgment in her favor and against Defendants Bank of America, N.A. and Javitch Block, LLC., as follows:

- a. As to both Defendants, award Bissereth statutory damages of no less than \$100.00; actual damages according to proof; and attorney fees and costs of court, per the TDCA § 392.403;
- b. Enter an order enjoining both Defendants from engaging in any further collection activities on this alleged debt as to Bissereth, the order being authorized by the TDCA § 392.403;
- c. As to Defendant Javitch Block, award Bissereth \$1,000.00 in statutory damages; actual damages according to proof; and attorney fees and costs of court, per the FDPCA § 1692k(a).
- d. award Bissereth any other relief to which she is entitled, in law or in equity.

[signature block on next page]

Respectfully Submitted,

Zimmer & Associates, A Law Firm

1108 Lavaca Street, Suite 110-187

Austin, Texas 78701

Telephone/Fax: (512) 434-0306

/s/ Robert Zimmer

By: **Robert Zimmer, Esq.**

State Bar No. 24098662

zimmerlawTX@gmail.com

**ATTORNEY FOR PLAINTIFF,
VANESSA BISSERETH**